XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

49

मामला क्रमांक Cr. M.P. No. 283/2007 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

SB: HON'BLE SHRI DHIRENDRA MISHRA, J.

PETITIONER — Kishun Singh, S/o. Sagun Singh Chauhan, aged about 35 years, R/o. Daupara, Kabir Ward, Behind Hari Prasad Dharamshala, Mungeli Police Station Mungeli, District Bilaspur (C.G.)

Vs.

RESPONDENTS

1. Sagun Singh, son of Pawan Singh Chauhan, aged about 75 years.
2. Kamala Bai, W/o Sagun Singh Chauhan, aged about 70 years, both are resident of Daupara, Kabir Ward, behind Hari Prasad Dharamshala Mungeli, Police Station Mungeli, District Bilaspur (C.G.)

22-8-2007

Shri Rakesh Pandey, Advocate for the applicant.

This petition under Section 482 of Cr.P.C. is preferred against the order of Annexure P-1 dated 12-7-2007 passed in Criminal Revision No. 4/2007 by the Additional Sessions Judge, Mungeli whereby the revision preferred by the applicant against the order of Annexure P-8 dated 22-2-2007 passed in Misc. Criminal Case No. 122/2005 by the Judicial Magistrate Class I, Mungeli has been rejected.

Grievance of the applicant is that in a maintenance petition under Section 125 of Cr.P.C. filed by the non-applicants who are parents of the applicant, a preliminary objection was taken by the

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(50)

Cr. M. P. No. 283/07

मामला क्रमांक ..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

applicant before the Magistrate that the other sons of the non-applicants are necessary parties for the purpose of the application for maintenance. The said application was earlier allowed by the Judicial Magistrate, however subsequently the Judicial Magistrate reviewed its own order and set aside its earlier order by which the non-applicants were directed to make the other sons as the parties. The applicant preferred criminal revision against the above order, however, the same has been rejected by the impugned order.

Learned counsel for the applicant submits that the trial Court does not have inherent power to review its own order, therefore, the order impugned is patently illegal.

Taking into consideration that the application for maintenance has been filed by the parents against the present applicant and further considering that the other sons of the non-applicants are not necessary parties for the purposes of proceeding under section 125 of Cr.P.C. preferred by the parents against one of their sons, this Court is of the opinion that no interference is called for in the impugned orders while exercising the jurisdiction under Section 482 of Cr.P.C.

The petition being devoid of substance is liable to be dismissed and it is dismissed.

Sd/-
Dhirendra Mishra
Judge

GRPRJ — FS/246— 2/2007 — 50,000.